

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE POKÉMON COMPANY
INTERNATIONAL, INC.,

Plaintiff,

v.

JON SAHAGIAN; DOES 1-5,
Defendants.

No. 2:15-CV-00866

DECLARATION OF SEAN M.
MCCHESNEY IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

I, Sean M. McChesney, declare as follows:

1. I am over 18 years of age and make this Declaration based upon my personal knowledge of the facts set forth below. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. I am an attorney licensed to practice law under the laws of the State of Washington and am with the law firm Focal PLLC, attorneys for Plaintiff The Pokémon Company International, Inc. ("TPCi").

3. Attached as **Exhibit A** is a true and correct copy of a printout from the PokéBeach website, www.pokebeach.com, entitled "About PokeBeach's Staff," available at www.pokebeach.com/staff (last visited May 28, 2015).

4. Attached as **Exhibit B** are true and correct copies of screenshots of the

1 PokéBeach registration page, forums page and chat room page captured from the PokéBeach
2 Site, www.pokebeach.com, on May 28, 2015.

3 5. Attached as **Exhibit C** is a true and correct copy of a screenshot of the PokéBeach
4 “Articles Program” section captured from the PokéBeach Site, www.pokebeach.com, on May 28,
5 2015.

6 6. Attached as **Exhibit D** is a true and correct copy of a screenshot of the PokéBeach
7 “TCG Sets & Cards Scans” section captured from the PokéBeach Site, www.pokebeach.com, on
8 May 20, 2015.

9 7. Attached as **Exhibit E** is a true and correct copy of an announcement entitled
10 “Welcome to the Brand New PokéBeach! Come On In!” posted on the PokéBeach website,
11 www.pokebeach.com, and available at www.pokebeach.com/tag/pb-adventures (last visited May
12 28, 2015).

13 8. Attached as **Exhibit F** is a true and correct copy of the “TCG One Guide,” printed
14 from the PokeBeach Site and available at www.pokebeach.com/tcg-one-guide (last visited May
15 28, 2015).

16 9. Attached as **Exhibit G** is a true and correct copy of a screenshot of an image of a
17 Pokémon TCG card captured from the PokéBeach Site, www.pokebeach.com, on May 28, 2015.

18 10. Attached as **Exhibit H** is a true and correct copy of a screenshot of the
19 PokéBeach “Activities” section captured from the PokéBeach Site, www.pokebeach.com, on
20 May 28, 2015.

21 11. Attached as **Exhibit I** are true and correct copies of a screenshots of images of
22 Pokémon TCG cards captured from the TCG One section of the PokéBeach Site,
23 www.pokebeach.com, on May 28, 2015.

24 12. Attached as **Exhibit J** is a true and correct copy of a printout of a post by TCG
25 One creator “appendix” in a PokéBeach forum thread available at
26 <http://www.pokebeach.com/forums/threads/tcg-one-general-discussion.114480/> (last visited May
27 28, 2015)

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 DATED: June 2, 2015

4 s/ Sean M. McChesney

5 Sean M. McChesney
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